IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 4TH JANUARY 2007 / 14TH POUSHA 1928

Bail Appl..No. 11 of 2007()

C.R. NO. 52/99 OF NEYYATTINKARA EXCISE RANGE

PETITIONER/ACCUSED.

ANILKUMAR, S/O.SASI,
RESIDING AT ANIL NIVAS, MOOLAKKARA,
KAZHAVOOR DESOM, KOTTUKAL VILLAGE.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS: COMPLAINANT.

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 11 of 2007

DATED: 4th January 2007

O R D E R

Petitioner who is the accused in C.R.No. 52/99 of Neyyattinkara Excise Range for offences punishable under Sections 8(1) & 8(2) of the Abkari Act for allegedly having been found transporting 10 liters of illicit arrack on a Suzuki Motor Bike on 4-11-1999, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. It is too early to conclude that the petitioner has nothing to do with the offence alleged. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the J.F.C.M.-II, Neyyattinkara where the case is pending as C.P. 89/06 and seek regular bail. Accordingly, if the petitioner surrenders before the J.F.C.M.-II, Neyyattinkara and files an application for regular bail within 10 days from today, the same shall be considered and disposed of preferably on the same date on which it is filed after considering the contention of the petitioner that he had transferred the vehicle in question on 30-10-1999 and that in view of the decision reported in *2002 (2) KLT SN Case. No. 125* the mere fact that the petitioner continues to be registered owner cannot cloth him with the liability of the alleged offence..

With the above observation this application is disposed of

Sd/- V.RAMKUMAR, JUDGE.

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